

10368/24701



Serial No.: 09/945,006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS AND PATENT INTERFERENCES

In re U.S. application of: J. Pat Evans et al

U.S. Serial No.: 09/945,006

Filed: August 31, 2001

Group Art Unit: 3728

Examiner: Anthony D. Stashick

For: ORTHOPEDIC FOOTWEAR AND INSOLE THEREOF

Commissioner for Patents  
Mail Stop Appeal Brief-Patents  
PO Box 1450, Alexandria, VA 22313-1450

Dear Sir:

**BRIEF ON APPEAL UNDER 37 C.F.R. SECTION 41.37**

CERTIFICATE OF MAILING  
(37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail and in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Date: February 9, 2006

William R Gustavson

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This Appeal Brief is filed in furtherance of the Notice of Appeal filed in this application on December 9, 2005. Attached is Form PTO-2038 in payment of the \$500.00 large entity fee for the filing of this Appeal Brief. However, if any additional fee is necessary, please withdraw any necessary fees, including any required extension fees under Section 1.136 from Deposit Account 50-1274(10368 24701).

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## **I. REAL PARTY IN INTEREST**

Boot Royalty Company, L.P. and Footwear Investment Company are the real parties in interest.

## **II. RELATED APPEALS AND INTERFERENCES**

There are no pending related appeals or interferences.

## **III. STATUS OF THE CLAIMS - RULE 41.37(c)(iii)**

Claims 1-17, 42, 43 and 45 have been finally rejected. Claims 18-41, and 44 were canceled. The rejection of claims 1-17, 42, 43 and 45 is appealed.

## **IV. STATUS OF AMENDMENTS - RULE 41.37(c)(iv)**

No Amendment after Final Rejection was filed.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER RULE 41.37(c)(v)**

This invention includes an insole 60 as seen in Figures 1 and 2 that has a shape generally corresponding to the shape of the human foot and includes an arch support portion 62 that supports both the longitudinal and transverse arches of the foot, as set forth in paragraph 21 on page 7 of the specification. This description supports independent claim 1. The arch support portion 62 is a region of the footbed 61 that slopes upwardly and is raised relative to the other areas of the upper surface 56 of insole 60. The insole 60 transitions from the other areas of the upper surface 56 to the arch support portion 62 along a peripheral contour line, clearly shown in Figures 1 and 2. The location of this peripheral contour line is critical.

The peripheral contour of the arch support portion 62 as seen in Figure 2 follows a very specific path relative the bone structure of the foot to provide this support. As a result, the insole conforms to the plantar topography of the human foot and is thus capable of providing support to substantially the entire plantar surface of the foot. Clearly, the exact dimensions of the peripheral contour thus vary with the foot and shoe size.

With reference to Figure 2, and paragraph 21 on page 7 of the specification, the peripheral contour of the arch support portion 62 begins at position A located at the medial edge 66 of footbed 61 in forefoot region 54 and follows a curve that extends through midfoot region 52 and terminates at position C located at the medial edge 66 of footbed 61 in hindfoot region 50.

The peripheral contour of the arch support portion 62 begins at position A and extends laterally toward the lateral edge 67 of the footbed 61, as well as forwardly toward the toe edge 63 of footbed 61. Upon reaching a forwardmost position B on the upper surface 56 of footbed 61, arch support portion 62 begins a rearward curve toward the lateral edge 67 of footbed 61, without encountering the lateral edge 67 of insole 60. Thereafter, the peripheral contour of arch support portion 62 extends back toward the medial edge 66 as the radius of curvature gradually decreases until arch support portion 62 ultimately terminates at a rearmost position C at the medial edge 66 of footbed 61. This contour generally follows the shape of the longitudinal arch and transverse arch of the foot, to provide support to both arches.

More specifically, with reference to Figure 2, and paragraph 23 on page 8 of the application, the arch support portion 62 begins at position A, which corresponds to a forwardmost medial point of the longitudinal arch of a human foot, posterior to the bony protuberance of a first metatarsal head M1. The peripheral contour of arch support portion 62 then extends laterally and forwardly to a position B on the upper surface 56 of the insole defined anatomically as an area located midway between a second metatarsal head M2 and a third metatarsal head M3, at which point the forwardmost lateral radius of the transverse arch has been created (position B is forward of position A because the second and third metatarsals are usually slightly longer than the first metatarsal). Following the general curve of the transverse and longitudinal arches, the peripheral contour then curves laterally and rearwardly to a position D, which is associated with a position of the fourth metatarsal head M4. Thereafter, the peripheral contour continues to curve laterally and rearwardly until it reaches the medial edge of the fifth metatarsal shaft M5. Without extending to a point lateral of fifth metatarsal shaft M5, the peripheral contour of arch support portion 62 then follows a gradual medial and rearward curve that generally follows the full length of fifth metatarsal shaft M5 tangentially. After the peripheral contour extends tangentially along fifth metatarsal shaft M5, its curve radiiuses proximally to an imaginary midline L of the upper surface 56 of the insole and traverses a position on upper surface 56 generally corresponding to the anatomical position of a cuboid Cb. Finally, the peripheral contour terminates at a position C located at the medial edge 66 of footbed 61 rearward of position A which is posterior to the Astragalas Ag of the foot. This provides support for independent claims 9 and 45.

Due to the location and geometry of arch support portion 62 of insole 60, support is provided to a portion of the transverse arch that forces the foot into a properly aligned position. That is pressure from insole 60 is applied upwardly to portions of the transverse and longitudinal arches of the foot near the necks and heads of the metatarsals, and the upward pressure forces the foot into an alignment that draws the bones of the foot, namely the metatarsals, back to a "normal" position. In this way, insole 60 functions as an artificial arch, which can bring the

metatarsal arch into proper alignment even in a case when the plantar ligaments are no longer resilient, and the arches of the foot have "fallen".

The height dimension of the arch support portion 62 can reach a maximum at a point located substantially midway between the first metatarsal head M1 and the Astragalas Ag of the foot, which point generally corresponds to a location between the Tibialis Anticus TA.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED - RULE 41.37(c)(vi)**

Claims 1-6, 8-11, 13-15 and 17 were rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent 5,282,326 to Schroer, Jr. et al. Claims 7, 12 and 16 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,282,326 to Schroer, Jr. et al. Claims 42-43 and 45 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,282,326 to Schroer, Jr. et al as applied to claim 9 in view of Official Notice.

## **VII. ARGUMENT - RULE 41.37(c)(vii)**

### **A. Claims 1-6, 8-11, 13-15 and 17 are patentable over Schroer, Jr. et al**

With regard to claim 1, there is no disclosure in Schroer, Jr., et al of an insole that has a raised arch support portion having a peripheral contour generally conforming to the longitudinal arch and the transverse arch of the plantar surface of the human foot. As evidence to the contrary, the Examiner refers to Figures 1 and 3 of Schroer, Jr. et al. However, the figures do not provide such disclosure. It is well established that patent drawings are not blue prints and it is impossible to see from the figures alone if they support one or both arches. Furthermore, nothing in the text of the reference teaches the claimed structure. To be a proper reference under Section 102, the reference must have a sufficient description to enable the invention to be made without an unreasonable amount of experimentation. Advanced Display Systems Inc. v. Kent State University, 212 F.3d 1272, 1283, 54 USPQ2d 1673, 1679 (Fed Cir. 2000) cert. denied, 532 U.S. 904 (2001). Schroer, Jr. et al has no disclosure of the position of a peripheral contour relative the longitudinal arch or transverse arch or any of the foot bones.

The Examiner's comments that the raised portion of Schroer, Jr. et al shown in the figures in the patent appears to be located in the same area, and similarly curved when compared to Figure 1 of the present application is not deemed to be relevant. The claimed inventions of claims 1-6, 8-11, 13-15 and 17 very specifically set forth the positioning of the arch support

portion to benefit the wearer by providing a cushioning, impact absorptive insole that supports both the transverse and longitudinal arches. This positioning of the arch support portion supports the arches in spite of the effects of ageing, such as in the critical plantar ligaments. Certainly, just looking at a figures in Schroer, Jr. et al does not teach the critical relations set forth in the present claims. The Schroer, Jr. et al patent never even mentions the transverse arch. Since there is no disclosure in Schroer, Jr. et al of the specific relations taught in the present claims, and the drawings of the reference are not blue prints, the Examiner is effectively arguing that the Applicants must prove that its claimed invention is not the same as a structure in the reference whose true nature is not known and is not knowable. It is well understood that a proper rejection under Section 102 must disclose each and every element of the claimed invention. When a document is so obscure in its terminology that conflicting theories can be deduced therefrom is too indefinite to be utilized as an anticipation. Anchor Plastics Co. V. Dynex Indus. Plastics, Corp., 363 F. Supp. 582, 588, 179 USPQ 264 (D. N.J. 1973), aff'd 492 F. 2d 1238 (3d Cir. 1974). Applicants respectfully request the rejection be reversed.

## **1. Claim 2 is patentable over Schroer, Jr. et al**

Claim 2 recites the peripheral contour of the raised arch support portion is defined by a curve having a first endpoint located on a medial edge of the insole generally corresponding to a forwardmost medial point of the longitudinal arch and a second endpoint located rearward of the first endpoint on a medial edge of the insole. The curve extends forwardly and laterally from the first endpoint through a point generally in contact with a midway point between a second metatarsal head and a third metatarsal head of a foot in contact with the insole, extends rearwardly along a medial edge in contact with a fifth metatarsal of the foot in contact with the insole, and extends rearwardly and medially to the second endpoint.

The Schroer, Jr. et al patent clearly does not teach the critical relationships between the elements of claim 2 and the human foot that it contacts. Schroer, Jr. et al The present application, however, adds to the knowledge in the art by specifically disclosing and claiming the relationships stated.

Further, the Schroer, Jr. et al patent describes that the forward toe portion 4 works to support the metatarsals at Column 7, lines 53-54. The reference does not describe the arch portion 8 as supporting the metatarsals. In contrast, the present invention, as claimed in Claim 2, provides the curve of the raised arch support portion passes through a point generally in contact with a midway point between a second metatarsal head and a third metatarsal head, and extends rearwardly along a medial edge in contact with the fifth metatarsal head.

## **2. Claim 3 is patentable over Schroer, Jr. et al**

Claim 3 recites the curve extends across a point generally corresponding to a cuboid of the foot as it extends rearwardly and medially from the fifth metatarsal of the foot to the second

endpoint posterior to an Astragalas of the foot. The Schroer, Jr. et al patent clearly does not teach the critical relationships between the elements of claim 3 and the human foot that it contacts. None of the Figures of Schroer, Jr. et al disclose a curve extending across a point generally corresponding to a cuboid of the foot as it extends posterior of the Astragalas. None of these bones are even mentioned in the reference.

### **3. Claim 4 is patentable over Schroer, Jr. et al**

Claim 4 recites the peripheral contour of the raised arch support portion is defined by a curve having a first endpoint located on a medial edge of the insole generally corresponding to a forwardmost medial point of the longitudinal arch and a second endpoint located rearward of the first endpoint on a medial edge of the insole. The curve extends from the first endpoint, through a point generally corresponding to a first metatarsal head of the foot, through a point generally corresponding to a second metatarsal head of the foot, through a point generally corresponding to a third metatarsal head of the foot, through a point generally corresponding to a fourth metatarsal head of the foot, along an arc substantially tangent to a fifth metatarsal shaft, through a point generally corresponding to a cuboid of the foot, and to the second endpoint.

Again, Schroer, Jr. et al discloses no peripheral contour in the claimed relation to the first through fifth metatarsal heads and cuboid.

### **4. Claim 5 is patentable over Schroer, Jr. et al**

Claim 5 recites a footbed having a peripheral contour generally conforming to a peripheral contour of the plantar surface of the human foot, wherein the raised arch support portion forms part of the footbed.

Schroer, Jr. et al provides no disclosure or teaching of a footbed generally conforming to a peripheral contour of the plantar surface of the human foot.

### **5. Claim 6 is patentable over Schroer, Jr. et al**

Claim 6 recites the raised arch support portion has a maximum height dimension substantially midway between a first metatarsal head and an Astragalas of the human foot. The Schroer, Jr. et al reference discloses no maximum height dimension and certainly no location for such a dimension relative a first metatarsal head or Astragalas.

### **6. Claim 8 is patentable over Schroer, Jr. et al**

Claim 8 recites the raised arch support portion has a maximum height dimension substantially midway between a Tibialis Anticus of the human foot. The Schroer, Jr. et al reference discloses no maximum height dimension and certainly no location midway between a Tibialis Anticus for such a dimension.

## **7. Claim 9 is patentable over Schroer, Jr. et al**

Claim 9 recites an insole for supporting a longitudinal arch and a transverse arch of a plantar surface of a human foot with the insole including a footbed having an upper surface and a lower surface, the upper surface adapted to mate with the plantar surface of the human foot. The upper surface of the footbed comprises a raised arch support portion having a significant longitudinal and transverse arch topography bounded by a medial edge of the footbed and a peripheral contour beginning at a point on the medial edge of the footbed generally corresponding to the forwardmost point of the longitudinal arch on a medial edge of the foot, extending laterally to a point on the footbed located substantially midway between a second metatarsal head and a third metatarsal head, extending to a point on the footbed generally corresponding to a fourth metatarsal head, extending in a generally posterior direction substantially tangent to a fifth metatarsal shaft, extending medially across a point generally corresponding to a cuboid of the foot, and terminating at a point on the medial edge of the footbed generally corresponding to a rearmost point of the longitudinal arch on the medial edge of the foot.

The Schroer, Jr. et al reference discloses no arch support portion having a specific relationship to the second, third and fourth metatarsal heads, the fifth metatarsal shaft and the cuboid of a foot.

## **8. Claim 10 is patentable over Schroer, Jr. et al**

Claim 10 recites the insole has dimensions generally corresponding to a human foot of a predetermined size. The Schroer, Jr. et al reference does not disclose any predetermined size. The present invention as claimed has specific relationship to the locations of bones in the foot. The absolute distances between these bones of course depend on the size of the foot as the bone structure of a small foot is clearly more compact than the bone structure of a large foot. To take advantage of this fact, the present claimed invention has an insole corresponding to a predetermined size foot to insure the proper location of the bones on the insole.

## **9. Claim 11 is patentable over Schroer, Jr. et al**

Claim 11 recites the raised arch support portion has a maximum height dimension substantially midway between a first metatarsal head and an Astragalas of the human foot. The Schroer, Jr. et al reference discloses no maximum height dimension and certainly no location midway between a first metatarsal head and an Astragalas of the human foot for such a dimension.

## **10. Claim 13 is patentable over Schroer, Jr. et al**

Claim 13 recites the peripheral contour of the raised arch support portion is curvilinear

from the beginning point on the medial edge of the footbed to the terminating point on medial edge of the footbed. The Schroer, Jr. et al reference does not provide such a teaching of a curvilinear contour in set relation to the second-fourth metatarsal heads, fifth metatarsal shaft and cuboid.

**11. Claim 14 is patentable over Schroer, Jr. et al**

Claim 14 recites a peripheral contour of the footbed generally follows a peripheral contour of the plantar surface of the human foot such that the insole is capable of supporting substantially all of the plantar surface of the human foot. Schroer, Jr. et al provides no disclosure or teaching of a footbed generally conforming to a peripheral contour of the plantar surface of the human foot in set relation to the second-fourth metatarsal heads, fifth metatarsal shaft and cuboid.

**12. Claim 15 is patentable over Schroer, Jr. et al**

Claim 15 recites a surface layer provided on the upper surface of the footbed. The Schroer, Jr. et al patent provides no disclosure or teaching of a surface layer in the structure of a footbed related to the second, third and fourth metatarsal heads, fifth metatarsal shaft and cuboid.

**13. Claim 17 is patentable over Schroer, Jr. et al**

Claim 17 recites the footbed has a hindfoot region and a forefoot region. The Schroer, Jr. et al patent provides no disclosure or teaching of a hindfoot and forefoot region in the structure of a footbed related to the second, third and fourth metatarsal heads, fifth metatarsal shaft and cuboid.

**B. Claims 7, 12 and 16 are patentable over Schroer, Jr. et al**

**1. Claim 7 is patentable over Schroer, Jr. et al**

Claim 7 depends from claims 1 and 6 and further recites the maximum height dimension of the raised arch support portion is approximately 0.375 inches greater than a height dimension of the remainder of the insole. The Schroer, Jr. et al patent provides no disclosure of the insole conforming to the longitudinal arch and the transverse arch of the plantar surface of the foot with a maximum height dimension midway between a first metatarsal head and an Astragalas. Therefore, it can't be obvious to make such a maximum height dimension 0.375 inches as claimed.

## **2. Claim 12 is patentable over Schroer, Jr. et al**

Claim 12 depends from claims 9 and 11 and further recites the maximum height dimension of the raised arch support portion is approximately 0.375 inches greater than a height dimension of the remainder of the insole. The Schroer, Jr. et al patent provides no disclosure of the insole related to the second, third and fourth metatarsal heads, fifth metatarsal shaft and cuboid with a maximum height dimension midway between a first metatarsal head and an Astragalas. Therefore, it can't be obvious to make such a maximum height dimension 0.375 inches as claimed.

## **3. Claim 16 is patentable over Schroer, Jr. et al**

Claim 16 depends from claims 9 and 15 and further recites a surface layer formed of a textile material. The Schroer, Jr. et al patent provides no disclosure of an insole with a surface layer of a textile material with the insole related to the second, third and fourth metatarsal heads, fifth metatarsal shaft and cuboid. Therefore, it can't be obvious to make such a surface layer in the environment as claimed.

## **C. Claims 42-43 and 45 are patentable over Schroer, Jr. et al and Official Notice**

### **1. Claim 42 is patentable over Schroer, Jr. et al and Official Notice**

Claim 42 depends from claim 9 and further recites a footbed made of an open-celled polyurethane material of a hardness value within a range from about 50 Shore 'OOO' to about 30 Shore 'A'. The Schroer, Jr. et al patent provides no disclosure of an insole with a footbed of such materials with the insole related to the second, third and fourth metatarsal heads, fifth metatarsal shaft and cuboid. Therefore, it can't be obvious to make such a material choice in the environment as claimed. The material selection of the present claimed invention is specifically tailored to achieve the purpose of supporting the longitudinal and transverse arches using a raised arch support portion with a peripheral contour designed with a specific relationship to the foot bones. The selected materials must be selected to have the properties necessary to achieve this purpose for the life of the insole. The Schroer, Jr. et al patent has no disclosure whatsoever about the design of an insole relative to foot bone locations to support the longitudinal and transverse arches or what materials would be most effective in such a design.

### **2. Claim 43 is patentable over Schroer, Jr. et al and Official Notice**

Claim 43 depends from claims 9 and 42 and further recites the open-celled polyurethane material having a molded density in the range of about 0.15 g/cc to about 0.45 g/cc cast and wherein the open-celled polyurethane material has a Ball Rebound value of about 10 percent to

30 percent as defined by ASTM D-3574(Test H) and has a compression set value that is less than 10 percent according to ASTM D 3574(test D). The Schroer, Jr. et al patent provides no disclosure of an insole with a footbed of such material characteristics with the insole related to the second, third and fourth metatarsal heads, fifth metatarsal shaft and cuboid. Therefore, it can't be obvious to make such a material choice in the environment as claimed. The Schroer, Jr. et al patent has no disclosure whatsoever about the design of an insole relative to foot bone locations or what material characteristics would be most effective in such a design.

### **3. Claim 45 is patentable over Schroer, Jr. et al and Official Notice**

Claim 45 recites an insole with a raised arch support portion having a peripheral contour conforming to the longitudinal and transverse arches which is defined relative the first, second, third and fourth metatarsal heads, the fifth metatarsal shaft and the cuboid, with a maximum height dimension midway between the first metatarsal head and the Astragalas. The Schroer, Jr. et al patent provides no disclosure of an insole with such characteristics. The Schroer, Jr. et al patent neither enables the claimed invention to be constructed nor provides any suggestion of the desirability of doing so.

## **CONCLUSION**

For the reasons set forth above, allowance of claims 1-17, 42, 43 and 45 is respectfully requested.

Attached is an Appendix containing a copy of the appealed claims.

Respectfully Submitted,

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**APPENDIX - RULE 41.37(c)(viii)**

1. An insole for supporting a longitudinal arch and a transverse arch of a plantar surface of a human foot, the insole comprising:

a raised arch support portion having a peripheral contour generally conforming to the longitudinal arch and the transverse arch of the plantar surface of the human foot.

2. An insole in accordance with claim 1, wherein the peripheral contour of the raised arch support portion is defined by a curve having a first endpoint located on a medial edge of the insole generally corresponding to a forwardmost medial point of the longitudinal arch and a second endpoint located rearward of the first endpoint on a medial edge of the insole,

wherein the curve extends forwardly and laterally from the first endpoint through a point generally in contact with a midway point between a second metatarsal head and a third metatarsal head of a foot in contact with the insole, extends rearwardly along a medial edge in contact with a fifth metatarsal of the foot in contact with the insole, and extends rearwardly and medially to the second endpoint.

3. An insole in accordance with claim 2, wherein the curve extends across a point generally corresponding to a cuboid of the foot as it extends rearwardly and medially from the fifth metatarsal of the foot to the second endpoint posterior to an Astragalas of the foot.

4. An insole in accordance with claim 1, wherein the peripheral contour of the raised arch support portion is defined by a curve having a first endpoint located on a medial edge of the insole generally corresponding to a forwardmost medial point of the longitudinal arch and a second endpoint located rearward of the first endpoint on a medial edge of the insole,

wherein the curve extends from the first endpoint, through a point generally corresponding to a first metatarsal head of the foot, through a point generally corresponding to a second metatarsal head of the foot, through a point generally corresponding to a third metatarsal head of the foot, through a point generally corresponding to a fourth metatarsal head of the foot, along an arc substantially tangent to a fifth metatarsal shaft, through a point generally corresponding to a cuboid of the foot, and to the second endpoint.

5. An insole in accordance with claim 1, further comprising a footbed having a peripheral contour generally conforming to a peripheral contour of the plantar surface of the human foot, wherein the raised arch support portion forms part of the footbed.

6. An insole in accordance with claim 1, wherein the raised arch support portion has a maximum height dimension substantially midway between a first metatarsal head and an

Astragalas of the human foot.

7. An insole in accordance with claim 6, wherein the maximum height dimension of the raised arch support portion is approximately 0.375 inches greater than a height dimension of the remainder of the insole.

8. An insole in accordance with claim 1, wherein the raised arch support portion has a maximum height dimension substantially midway between a Tibialis Anticus of the human foot.

9. An insole for supporting a longitudinal arch and a transverse arch of a plantar surface of a human foot, the insole comprising:

a footbed having an upper surface and a lower surface, the upper surface adapted to mate with the plantar surface of the human foot,

wherein the upper surface of the footbed comprises a raised arch support portion having a significant longitudinal and transverse arch topography bounded by a medial edge of the footbed and a peripheral contour beginning at a point on the medial edge of the footbed generally corresponding to the forwardmost point of the longitudinal arch on a medial edge of the foot, extending laterally to a point on the footbed located substantially midway between a second metatarsal head and a third metatarsal head, extending to a point on the footbed generally corresponding to a fourth metatarsal head, extending in a generally posterior direction substantially tangent to a fifth metatarsal shaft, extending medially across a point generally corresponding to a cuboid of the foot, and terminating at a point on the medial edge of the footbed generally corresponding to a rearmost point of the longitudinal arch on the medial edge of the foot.

10. An insole in accordance with claim 9, wherein the insole has dimensions generally corresponding to a human foot of a predetermined size.

11. An insole in accordance with claim 9, wherein the raised arch support portion has a maximum height dimension relative to the upper surface of the footbed substantially midway between a first metatarsal head and an Astragalas of the human foot.

12. An insole in accordance with claim 11, wherein the maximum height dimension of the raised arch support portion is approximately 0.375 inches high relative to a height of the upper surface of the footbed.

13. An insole in accordance with claim 9, wherein the peripheral contour of the raised arch support portion is curvilinear from the beginning point on the medial edge of the footbed to the terminating point on medial edge of the footbed.

14. An insole in accordance with claim 9, wherein a peripheral contour of the footbed generally follows a peripheral contour of the plantar surface of the human foot such that the insole is capable of supporting substantially all of the plantar surface of the human foot.

15. An insole in accordance with claim 9, further comprising a surface layer provided on the upper surface of the footbed.

16. An insole in accordance with claim 15, wherein the surface layer is formed of a textile material.

17. An insole in accordance with claim 9, wherein the footbed has a hindfoot region and a forefoot region and is made of a flexible material.

42. An insole in accordance with claim 9, wherein the footbed is made of an open-celled polyurethane material of a hardness value within a range from about 50 Shore 'OOO' to about 30 Shore 'A'.

43. An insole in accordance with claim 42, wherein the open-celled polyurethane material has a molded density in the range of about 0.15 g/cc to about 0.45 g/cc cast and wherein the open-celled polyurethane material has a Ball Rebound value of about 10 percent to 30 percent as defined by ASTM D-3574(Test H) and has a compression set value that is less than 10 percent according to ASTM D 3574(test D).

45. An insole for supporting a longitudinal arch and a transverse arch of a plantar surface of a human foot, the insole comprising:

a footbed having an upper surface and a lower surface, the upper surface adapted to mate with the plantar surface of the human foot, the upper surface defining a relatively planer portion and a raised arch support portion having a peripheral contour generally conforming to the longitudinal arch and the transverse arch of the plantar surface of the human foot, the planer portion and raised arch support portion joining along the peripheral coutour defined by a curve having a first endpoint located on a medial edge of the insole generally corresponding to a point that would be contacted by the forwardmost medial point of a longitudinal arch of a foot when the foot is supported on the insole and a second endpoint located rearward of the first endpoint on a medial edge of the insole;

wherein the curve extends from the first endpoint, through a point generally in contact with the first metatarsal head of the foot when the foot is supported on the insole, through a point generally in contact with the second metatarsal head of the foot when the foot is supported on the insole, through a point generally in contact with the third metatarsal head of the foot when the foot is supported on the insole, through a point generally in contact with the fourth metatarsal head of the foot when the foot is supported on the insole, along an arc substantially in contact

with the fifth metatarsal shaft when the foot is supported on the insole, through a point generally in contact with the cuboid of the foot when the foot is supported on the insole, and to the second endpoint;

wherein the raised arch support portion has a maximum height dimension substantially midway between a point that would be in contact with the first metatarsal head of the foot when the foot is supported on the insole and a point that would be in contact with the Astragalas of the foot when the foot is supported on the insole.